

OPENING Statement of Sen. Chuck Grassley
Hearing, "The Nursing Home Initiative:
A Two-year Progress Report"
Thursday, September 28, 2000

Good morning. I would like to thank everyone for joining us on this early morning as we continue our evaluation of the implementation of the Nursing Home Initiative announced in the summer of 1998.

In 1998, at least in part in response to hearings scheduled by this Committee, the Administration announced a Nursing Home Initiative designed to improve enforcement of the standards of care for nursing home residents required by the Nursing Home Reform Act. For the past three years, this Committee has been engaged in trying to make sure that the Health Care Financing Administration and the state survey agencies effectively carry out this initiative and thus enforce the standards of care requirements for nursing homes required by the Act. Our working assumption has been that effective enforcement of the Act will lead to improvements in the quality of care for residents.

Today, we will hear that, although some successes have been achieved, problems remain. So it is also clear from testimony we will receive today that sustained efforts from HCFA and the next Administration will be essential if the Nursing Home Initiative is to be successful. I hope that we will be able to turn a corner on improving quality of care in nursing homes with sustained efforts from HCFA and the states.

Enforcement is one of the keys. We also hope to hear suggestions for other ways care in nursing facilities might be improved, in addition to improvements in enforcement of the Nursing Home Reform Act, that we and HCFA can consider as we continue our efforts to assure quality care in the nation's nursing homes.

When it becomes too difficult for families and friends to help loved ones manage at home, even with home- and community-based services, it becomes clear that a reliable, trustworthy local nursing home is a critical community resource. We rely on the many good-hearted and dedicated people working in nursing homes to provide valuable quality care.

In turn, we rely on state survey agencies to assure us - the Congress and the public - that high quality care is being provided.

Concerns have been raised about the work of state agencies. We will hear today that state agencies are not able to live up to their obligations to survey every nursing home on an average of every 12 months. We will hear that they are unable to carry out the Nursing Home Initiative that requires complaints to be investigated within 10 days. We heard in July at this Committee's hearing on nursing home staffing that the staffing numbers, generally accepted by survey agencies from nursing home administrators, are so unreliable that researchers choose other methods to assess staffing levels.

We will hear today additional reasons to question the reliability of the information gathered by state surveyors - ranging from allegations of bribery in Oklahoma to allegations that claims deficiencies in a state audit were inappropriately removed from inspection reports.

I firmly believe that when nursing home operators comply with the standards required by the Nursing Home Reform Act, vulnerable nursing home residents can receive appropriate services in a caring environment. Two years ago at our hearing on quality of care in California nursing homes, we heard that all too often, nursing home operators weren't complying with the law. Last year at a hearing held by this

Committee on the status of the Administration's Nursing Home Initiative we heard about efforts on the state, federal and nursing home level to improve care. I hope to see measurable results in improvements in quality care resulting from these activities. But we can have no faith in the validity of the data used to describe the level of quality being provided unless the state agencies do their job well.

Today, we will hear about the continued challenges that face the state agencies. We will also hear about the progress that is being made. I hope that the next time we meet on this we will have valid, credible data to measure the effectiveness of improved enforcement activities at the federal and state levels.

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It's been more than two years since this Committee's first hearings on nursing homes and the Health Care Financing Administration's enforcement of the Nursing Home Reform Act of 1987. I am glad to see that HCFA has been making serious efforts to implement the Nursing Home Initiative begun in July of 1998. I am also glad to see that the states recognize the importance of performance assessments which can be used to evaluate their implementation of the Initiative and their survey activities more generally.

This Committee will continue to oversee implementation of the Nursing Home Initiative by HCFA and by the states. For my part, I expect HCFA to continue to:

- Promote consistency in identifying nursing home deficiencies;
- Refine the federal comparative and observational survey process;
- See to it that complaints are investigated in the time required by HCFA;
- Ensure that OSCAR is a reliable and timely source of information and data about the quality of care in our nursing homes; and
- Ensure that federal dollars purchase quality services.

The main points made by the GAO in their testimony today deserve to be re-emphasized: Fully and effectively implementing the improvements we discussed today is essential to obtaining quality care in the nation's nursing homes. It may not be the ONLY thing we have to do to improve the quality of care in nursing homes, but it is an essential thing to do. And a sustained effort will be required to do this. The current HCFA staff, and the incoming administration, must maintain the efforts we started just about three years ago, now, with this Committee's forum on malnutrition in nursing homes.

For my part, I am taking the following actions to promote quality care in nursing homes:

First, I will soon introduce the Nursing Home Staff Improvement Act of 2000. This will be a modified version of the bill the President discussed in his radio address of two Saturdays ago. The purpose of the Administration's bill, and my bill, is to encourage the states and their nursing facilities to improve nursing home staffing levels. I very much hope we can include this legislation in the Balanced Budget Act revisions the Committee on Finance is preparing.

Second, through the appropriations process, I requested a second, follow-up status report from HCFA to the Congress by July 2001, on progress in improving quality of care in the Nation's nursing homes. As I said during our discussion today, I would like to see HCFA focus on quality measures and track their improvement or lack of improvement as we continue with the Nursing Home Initiative.

Third, I will continue to oversee HCFA's implementation of the nursing home initiative and quality provided in the nation's nursing homes by requesting GAO to continue tracking the initiatives.

Again, I would like to thank all of the witnesses for coming here to testify and to share with us your valuable insights. I will leave the record open for two weeks to receive any additional information for the record.

This hearing is adjourned.